

1 Education and Workforce Development Cabinet

2 Kentucky Board of Education

3 Department of Education

4 (Amended After Comments)

5 703 KAR 5:200. Next-Generation Learners.

6 RELATES TO: KRS 158.6451, 158.6453, 158.6455, 158.860

7 STATUTORY AUTHORITY: KRS 158.6453, ~~158.6455~~ 158.6455

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453 requires the Kentucky Board  
9 of Education to create and implement a balanced statewide assessment program that measures  
10 the achievement of students, schools and districts, complies with the federal No Child Left  
11 Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability.

12 This administrative regulation establishes the assessment and accountability requirements for  
13 students.

14 Section 1. Definitions. (1) "Achievement" means student performance described with the student  
15 performance levels of novice, apprentice, proficient and distinguished on state-required content  
16 area tests.

17 ~~[(2) "College readiness" means the percentage of middle school students meeting]~~ [ACT  
18 established] ~~[benchmarks on the high school readiness test in grade eight (8) that are linked~~  
19 ~~statistically to the ACT]~~ [EXPLORE] ~~[test in reading, English or mathematics.~~

20 ~~(3) "College and career readiness" means a readiness percentage calculated by dividing~~  
21 ~~the number of high school graduates who have successfully met an indicator of readiness~~

- 1 ~~for college or career with the total number of graduates.]~~
- 2 (2) [(4)] "Full Academic Year" means 100 or more instructional days of enrollment within the  
3 school year.
- 4 (3) [(5)] "Gap" means the average of:
- 5 (a) The percentage of students in the non-duplicated student gap group scoring proficient or  
6 distinguished on state-required content area tests; and
- 7 (b) The percentage of novice reduction goals met for [and the reduction of students in the  
8 novice performance level in] individual student gap groups in the state-required reading and  
9 mathematics tests.
- 10 (4) [(6)] "Growth" means the average of:
- 11 (a) The percentage of students that show typical yearly growth in reading or mathematics; [using  
12 the student growth percentile] and
- 13 (b) The percentage of students who move from [the individual movement of students in  
14 reading and mathematics from] one (1) performance level to a higher performance level and  
15 continue to perform at the proficient and distinguished level in reading and mathematics.
- 16 (5) "Readiness" means:
- 17 (a) For a middle school, the percentage of students in grade eight (8) whose scores on the  
18 high school readiness test meet benchmarks that are linked statistically to the ACT test,  
19 calculated by averaging together the percentages in reading, English or mathematics; and
- 20 (b) For a high school, a readiness percentage calculated by dividing the number of high  
21 school graduates who have met an indicator of readiness for college or career by the total  
22 number of graduates.
- 23 (6) [(7)] "Next-generation instructional programs and supports" means a component of the

1 ~~state-wide accountability system for Kentucky public schools and districts based on reviews~~  
2 ~~of instructional programs.~~

3 ~~(8) "Next-generation learners" means a component of the state-wide accountability system~~  
4 ~~for Kentucky public schools and districts based on student data.~~

5 ~~(9) "Next-generation professionals" means a component of the state-wide accountability~~  
6 ~~system for Kentucky public schools and districts based on teacher and administrator data.~~

7 ~~(10) "Next-generation schools and districts" means a component of the state-wide~~  
8 ~~accountability system that reports performance data for schools and districts.~~

9 ~~11)] "Student growth percentile" means each student's rate of change compared to other students~~  
10 ~~with a similar test score history.~~

11 ~~(7) [(12)] "Typical yearly growth" means a student growth percentile at forty (40) or above.~~

12 (8) "Writing" means a content area that includes writing on-demand and language  
13 mechanics tests.

14 Section 2. ~~[(1) Except as provided in subsections (2) or (3) of this section,]~~ Kentucky's  
15 accountability system to classify schools and districts shall consist of the following components:

16 (a) Next-generation learners, as established in this administrative regulation; and

17 (b) Additional components established in 703 KAR 5:225. ~~[Next-generation instructional~~  
18 ~~programs and support, as established in 703 KAR 5:230.]~~

19 ~~[(2) Following the effective date of an administrative regulation promulgated by the~~

20 ~~Kentucky Board of Education to establish the requirements for next-generation schools~~

21 ~~and districts, Kentucky's accountability system to classify schools and districts shall consist~~

22 ~~of:~~

23 ~~(a) The two (2) components included in subsection (1) of this section; and~~

~~(b) The next generation schools and districts component.~~

~~(3) Following the effective date of an administrative regulation promulgated by the Kentucky Board of Education to establish the requirements for next generation professionals, Kentucky's accountability system to classify schools and districts shall consist of:~~

~~(a) The two (2) components included in subsection (1) of this section;~~

~~(b) The next generation schools and district component, if the administrative regulation referenced in subsection (2) has become effective; and~~

~~(c) The next generation professionals component.]~~

Section 3. Next-Generation Learners. (1) Data shall be reported for schools and districts in the following categories:

(a) Achievement;

(b) Gap;

(c) Growth [Individual student growth];

(d) Readiness [for college or career]; and

(e) Graduation rate.

(2) Data from individual student performance on state assessments administered as required in KRS 158.6451 and KRS 158.6453 shall be included in the next-generation learners component.

This data shall include students with disabilities who participate in the alternate assessment program.

(3) Data in reporting categories shall be attributed to grade level spans for schools and districts as established in this subsection.

(a) Elementary schools shall receive data from achievement, gap, and individual student growth.

(b) Middle schools shall receive data from achievement, gap, ~~[individual student]~~ growth, and readiness ~~[for college]~~.

(c) High schools shall receive data from achievement, gap, ~~[individual student]~~ growth, readiness ~~[for college or career]~~, and graduation rate.

Section 4. Calculations for Reporting Categories. (1) Achievement shall be reported, equally for each content area, in next-generation learners as established in this subsection.

(a) In elementary, middle, and high schools, for each content area of reading, mathematics, science, social studies, and writing one (1) point for each percent of students scoring proficient or distinguished shall be awarded. One-half (.5) point shall be awarded for each percent of students scoring apprentice. Points shall not be awarded for novice students.

(b) A bonus for distinguished performance shall be calculated as required by this paragraph.

1. The bonus formula shall consider both the percent of students scoring at distinguished and at novice so that a bonus for distinguished student performance shall not overcompensate for novice student performance.

2. Each percent of students scoring distinguished shall receive an additional one-half (.5) point and each percent of students scoring novice shall receive a negative one-half (.5) point.

3. The value generated for novice shall be combined with the value generated for distinguished.

4. Except as provided in subparagraph 6. of this subsection, for schools and districts with a higher distinguished value, the difference between the two (2) values shall be added to the achievement calculation as a bonus for distinguished.

5. For schools and districts with a higher novice value, points shall not be added to the achievement calculation.

6. The distinguished bonus shall not allow the content area value for a school or district to

1 exceed 100 percent.

2 (c) The following chart shall be used to calculate the points in accordance with paragraphs (a)

3 and (b) of this subsection:

Proficiency Levels	Points Awarded for Each Percent of Students
Novice	0
Apprentice	.5
Proficient	1
Distinguished	1
Bonus for Distinguished (offset by Novice)	.5 for each percentage of distinguished) MINUS .5 for each percentage of novice)

4 (d)1. In accordance with KRS 158.860(7) and KRS 158.6453(5)(e), a district or school council  
5 may determine that high school end-of-course examination results be used for a percentage of a  
6 student's final grade in the course.

7 2. Beginning in the 2011-2012 academic year, end-of-course examinations shall be administered  
8 in reading, mathematics, science, and social studies, in accordance with the vendors secured  
9 through the state procurement process.

10 3. If the district or school council's policies do not include end-of-course examination grades in  
11 the grading policy or if the end-of-course examination grade percentage is less than twenty (20)  
12 percent, the district shall submit an annual report to the Commissioner of Education that provides  
13 justification for not using end-of-course examinations for at least twenty (20) percent of a  
14 student's final grade in the course.

15 4. Beginning with the 2012-2013 academic year, the report shall be submitted to the  
16 Commissioner of Education on or before December 31.

17 (2) Gap shall be reported in next-generation learners as established in this subsection.

(a) A single gap group called the non-duplicated gap group shall be created. This group shall consist of an aggregate, non-duplicated count of students in the following demographic categories:

1. African American;
2. Hispanic;
3. American Indian or Native American;
4. Limited English proficiency;
5. Students in poverty based on qualification for free or reduced price lunch; and
6. Students with disabilities that have an Individualized Education Program (IEP).

(b) 1. For each tested content area, students scoring proficient or higher in the non-duplicated gap group shall be summed.

2. The sum shall yield a single gap number of students[proficient or higher] with:

- a. No student counting more than one (1) time; and
- b. All students in the included groups counted once.

~~[3. The individual content area gap percentages shall be averaged for an overall gap percentage.]~~

(c) The non-duplicated gap group shall have a minimum of ten (10) students per content area in the school or district in order to report gap data.

(d) ~~[A maximum total of 500 points shall be awarded for non-duplicated gap calculation.]~~

The points for the non-duplicated gap calculation shall be distributed equally among the content areas tested.

(e) Reduction of novice student calculation. Annual novice reduction targets shall be calculated for student groups with a minimum of 10 novice students. Points shall be awarded based on

the percentage of the annual goal met in the following demographic categories and the non-duplicated gap group:

1. African American;

2. Hispanic;

3. American Indian or Native American;

4. Limited English proficiency;

5. Students in poverty based on qualification for free or reduced price lunch;

6. Students with disabilities that have an Individualized Education Program (IEP); and

7. Non-duplicated gap group.

(f) The calculations shall be made using the novice reduction in reading and mathematics.

(g) The novice reduction gap groups shall have a minimum of ten (10) students per content area in the school or district in order to report gap data.

(h) The novice reduction gap groups shall have a minimum of ten (10) students per content area in the school or district in order to report gap data.

(i) ~~[A maximum of 500 points shall be awarded for the novice reduction calculation.]~~ The points shall be distributed equally between the content areas tested in reading and mathematics.

**(3) Growth** ~~[Individual student growth]~~ shall be reported in next-generation learners as established in this subsection.

**(a) Growth** ~~[Individual student growth]~~ shall be computed equally based on points from a student growth percentile model and a categorical growth model.

**(b) Calculations** ~~[At elementary and middle schools, calculations]~~ shall include scores from students with data from reading assessments across two (2) years and mathematics assessments across two (2) years.



1 ~~[(e) At high school, calculations shall include scores from students with data from college~~  
2 ~~readiness reading and mathematics assessments across two (2) years.]~~

3 (c) [(d)] Student growth percentile calculations.

4 1. One (1) point shall be awarded for each percent of students that shows typical or high growth  
5 in reading and one (1) point shall be awarded for each percent of students that shows typical or  
6 high growth in mathematics.

7 2. Typical yearly growth shall be at or above the fortieth (40th) student growth percentile.

8 3. Points shall not be awarded for students showing lower than typical growth.

9 ~~[(e) For elementary, middle, and high schools, total points shall be fifty (50)] [100] [for each~~  
10 ~~content area of reading and mathematics for a total of 100] [200] [.]~~

11 (d) [(f)] Categorical growth model calculations shall use the following formula: the sum of the  
12 number of students moving from one (1) performance level [category] to a higher level  
13 [category], and the number of students remaining at proficient and distinguished, divided by the  
14 total number of students.

15 (e) [(g)] Points for growth shall be distributed equally between [For elementary, middle,  
16 and high schools, total points shall be fifty (50) for] each content area of reading and  
17 mathematics [for a total of 100].

18 (4) Readiness ~~[College and career readiness]~~ shall be reported in next-generation learners as  
19 established in this subsection.

20 (a) A readiness percentage for each high school shall be calculated by dividing the number of  
21 high school graduates that have successfully met at least one (1) indicator of readiness, as listed  
22 in paragraph (b) of this subsection, by the total number of graduates. An individual student shall  
23 only be attributed to the calculation one (1) time.

(b) The indicators of readiness shall include the percent of students meeting:

1. The Kentucky Council on Postsecondary Education's System-wide Benchmarks on the ACT in Reading, English and Mathematics established in "College Readiness Indicators",

incorporated by reference in 13 KAR 2:020;

2. The Kentucky Council on Postsecondary Education's College Placement Test Benchmarks established in "College Readiness Indicators", incorporated by reference in 13 KAR 2:020; or

3. The academic and technical career-ready measures as recognized by the Kentucky Board of Education.

(c) 1. An individual student shall earn a bonus of one-half (.5) point in the calculation of the readiness percentage if the student met:

a. Either the:

(i) System-wide Benchmarks on the ACT in Reading, English and Mathematics as established in 13 KAR 2:020; or

(ii) College Placement Test Benchmarks as established in 13 KAR 2:020; and

b. The technical career-ready measures as recognized by the Kentucky Board of Education.

2. The bonus shall not allow the calculation of the readiness percentage for a school or district to exceed 100 percent.

(d) For middle schools, a readiness for college percentage shall be calculated by determining the percentage of students who meet the [ACT EXPLORE] benchmarks for reading, English, and

mathematics on the high school readiness test that is administered in grade eight (8) and that are

linked statistically to the ACT test [as established by ACT, Inc. based on the data from the national administrations of the ACT EXPLORE].

(e) For middle schools, the percent of students in each tested area of reading, English, and

1 mathematics meeting the benchmark score shall be averaged. This value shall be reported as the  
2 middle school college readiness percentage.

3 (5) Graduation rate shall be reported in next-generation learners as established in this subsection.

4 (a) The graduation rate shall be computed using the cohort graduation rate ~~[In accordance with~~  
5 ~~the requirements in "Briefing Packet: Graduation Rate Data 2010 State Trends"; the graduation~~  
6 ~~rate shall be computed using the:~~

7 ~~1. Averaged freshman graduation rate for the years of 2011-2012 and 2012-2013; or~~

8 ~~2. The cohort graduation rate beginning with the 2013-2014 year].~~

9 (b) The graduation rate for each school and district shall be reported publicly by the Department  
10 of Education in the next-generation learners component. ~~[Graduation rate data shall be lagged~~  
11 ~~one (1) year for reporting.]~~

12 (6) The total points for next-generation learners shall be awarded as follows:

13 (a) The total number of points earned in each category of achievement, gap, **[individual student]**  
14 growth, readiness **[for college or career]**, and graduation rate shall be weighted in the following  
15 manner:

Grade Range	Achieve- ment	Gap	Growth	Readiness <b>[for College or Career]</b>	Graduation Rate	Total
Elementary	<u>33.3</u> <b>[30]</b>	<u>33.3</u> <b>[30]</b>	<u>33.3</u> <b>[40]</b>	n/a	n/a	<u>99.9</u> <b>[100]</b>
Middle	28	28	28	16	n/a	100
High	20	20	20	20	20	100

(b) The total number of points in next-generation learners shall contribute to the classification  
of [classify] schools and districts as established in 703 KAR 5:225. ~~[into one (1) of three (3)~~  
~~classifications;~~

~~1. Distinguished;~~

~~2. Proficient; and~~

~~3. Needs improvement.~~

~~(c) Within each of the three (3) classifications, public reports by the Department shall~~  
~~indicate the direction in which school and district performance is moving compared to the~~  
~~prior year report.~~

~~(d) In accordance with KRS 158.6455, the Kentucky Board of Education shall amend this~~  
~~administrative regulation or promulgate a new administrative regulation to determine the~~  
~~placement of schools and districts into one (1) of three (3) classifications and the~~  
~~establishment of goals using a standard setting process utilizing results from the first~~  
~~operational administration of new assessments in 2011-2012. The process shall:~~

~~1. Be advised by the National Technical Advisory Panel on Assessment and Accountability;~~  
~~School Curriculum, Assessment and Accountability Council; and the Office of Education~~  
~~Accountability;~~

~~2. Use accepted technical procedures and involve Kentucky school and district~~  
~~administrators and teachers; and~~

~~3. Be reviewed by the Kentucky Board of Education. Following its review, the Kentucky~~  
~~Board of Education shall approve the final cut scores and goals that determine placement~~  
~~in one (1) of the three (3) classifications by administrative regulation.]~~

(c) [(e)] If data cannot be calculated for any category of next-generation learners, the weights

1 shall be redistributed using an equal proportion to categories that shall be reported for the school  
2 or district.


3 (7)(a) Students enrolled for a full academic year shall be included in the calculations for  
4 achievement, gap, individual student growth, and readiness for college or career for a school and  
5 district.

6 (b) Graduation rate calculations shall be based on the students' final enrollment ~~[include both~~  
7 ~~students enrolled and students earning diplomas]~~. [Section 5. Incorporation by Reference. (1)  
8 "~~Briefing Packet: Graduation Rate Data 2010 State Trends~~", August 2, 2011, is incorporated by  
9 reference.

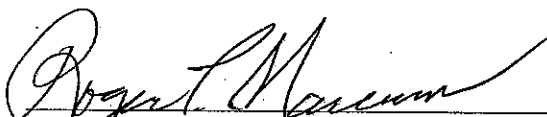
10 ~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at~~  
11 ~~the Department of Education, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601,~~  
12 ~~Monday through Friday, 8 a.m. to 4:30 p.m.]~~

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

4-14-15  
(Date)

  
Terry Holliday, Ph.D. *KCB*  
Commissioner of Education

4-14-15  
(Date)

  
Roger L. Marcum, Chairperson *KCB*  
Kentucky Board of Education

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 703 KAR 5:200

Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes state assessment and accountability requirements.

(b) The necessity of this administrative regulation: KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced statewide assessment program that measures the achievement of students, schools and districts, complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides specific details, descriptions, measurements and calculations for establishing the Next-Generation Learners component of the state assessment and accountability system for Kentucky public schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides specific details, descriptions, measurements and calculations for establishing the statewide assessment program that measures the achievement of students, schools and districts, complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment removes references to the ACT Explore assessment that will no longer be available for purchase; adds to the Gap calculation a novice reduction target for individual student subgroups; adds to the Growth calculation a categorical growth formula that recognizes when students move to a higher performance level or remain at Proficient or Distinguished performance levels; and changes the elementary level weights to an equal thirty-three and three-tenths (33.3) percent for Achievement, Gap and Growth.

(b) The necessity of the amendment to this administrative regulation: The amendment provides specific improvements to the state assessment and accountability program that measures the achievement of students, schools and districts, complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability as required by KRS 158.6453.

(c) How the amendment conforms to the content of the authorizing statute: This amendment provides specific details, descriptions, measurements and calculations for establishing the Next-Generation Learners component of the state assessment and accountability system for Kentucky public schools.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides specific improvements to the state assessment and accountability program created and implemented by the Kentucky Board of Education.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public school districts in Kentucky that have schools with grade three (3) or higher and supporting staff in the Kentucky Department of Education.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The amendment will impact schools and districts and the Kentucky Department of Education by providing the detail necessary to implement the state assessment and accountability system.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The Kentucky Department of Education, schools and districts shall implement the specific details of the assessment and accountability system.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost to the schools, districts or the Kentucky Department of Education.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The schools and districts will show continuous improvement as measured by the state assessment and accountability system.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Additional costs are not anticipated.

(b) On a continuing basis: Additional costs are not anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Additional costs are not anticipated. State and federal funds to the extent any additional costs are incurred.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.



(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all school districts.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 703 KAR 5:200

Contact Person: Kevin C. Brown

Phone Number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? School districts

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 158.6453; KRS 158.6455

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Amendment adds no additional costs.

(d) How much will it cost to administer this program for subsequent years? Amendment adds no additional costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Regulation does not generate revenue or establish fees.

STATEMENT OF CONSIDERATION  
RELATING TO 703 KAR 5:200  
Next Generation Learners  
Kentucky Department of Education

Amended After Comments

1. A public hearing was scheduled on the above regulation on March 23, 2015 at 10:00 a.m. Eastern Time, in the State Board Room, Kentucky Department of Education, 500 Mero Street, 1<sup>st</sup> Floor, Frankfort, Kentucky. The hearing was cancelled when no one was present at the noticed time to provide comments.

2. The following individuals submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Stu Silberman, Executive Director	Prichard Committee
Stephanie Winkler, President	Kentucky Education Association
Mary Ann Blankenship, Executive Director	Kentucky Education Association

3. The following people from the promulgating administrative body responded to the written comments:

<u>Name and Title</u>
Kevin C. Brown, General Counsel/Associate Commissioner, Office of Guiding Support Services
Todd G. Allen, Assistant General Counsel, Office of Guiding Support Services
Rhonda Sims, Director, Division of Support & Research, Office of Assessment & Accountability
Kevin Hill, Director, Division of Assessment Design & Implementation, Office of Assessment & Accountability
Roger Ervin, Office of Assessment & Accountability
John Wickizer, Division of Assessment Design & Implementation, Office of Assessment & Accountability
Jennifer Stafford, Policy Advisor, Office of Assessment & Accountability

## Summary of Comments and Responses

### 1. Subject Matter: Definitions

(a) Comment: The Prichard Committee ("Prichard") commented that the various definitions of readiness, gap and growth in the regulation lead to confusion. Specifically, Prichard commented, "there are two readiness definitions in the regulation. Section 1(2) (as amended) uses middle school results on the high school readiness test to define "college readiness." Subsection 3 defines "college-and career-readiness" for high schools without mentioning the bonus points that are specified later in the regulation. In addition, the later discussion in Section 4(4) confusingly says that college-and-career-readiness combines the middle school and high school versions." Prichard continued, "the gap definition and the growth definition are each being amended to use two sets of results where the original regulation used one, but the definitions are not clear that old and new elements will be combined. Section 1(5) says gap means a percentage plus a reduction. Section 1(6) says growth means a percentage plus an individual movement."

(b) Response: The agency agrees that clarification of the definitions of readiness, gap and growth will be beneficial. The definitions "college readiness" and "college- and career-readiness" were removed in Section 1. A two-part definition of "readiness" was added distinguishing between middle school and high school. The definitions of "gap" and "growth" were amended to clarify that they are averages and how those average are derived. The definitions, as used throughout the remaining sections of the administrative regulation, were also amended.

### 2. Subject Matter: Accountability Components

(a) Comment: Prichard commented that Section 2 of the administrative regulation is no longer necessary and should be deleted. It explained that, "when this regulation was first passed, Kentucky did not have a regulation showing the full set of accountability factors for Unbridled Learning. Now that 703 KAR 5:225 is in place, this section is potentially confusing, and we respectfully suggest deleting it."

(b) Response: The agency agrees that it is not necessary to list the full requirements of 703 KAR 5:225, School and district accountability, recognition, support, and consequences, in this administrative regulation. The agency amended Section 2 to incorporate 703 KAR 5:225 by reference.

### 3. Subject Matter: Achievement Calculation

(a) Comment: Prichard advocates for amending Section 4 to clarify that "reading, mathematics, science, and social studies will each contribute 20% of the achievement calculation, writing will contribute 16%, and language mechanics will contribute 5%." Prichard further comments that the point system set forth in Section 4 is confusing as it provides for a total of 500 possible points despite the school report card reporting achievement on a 0-100 point scale. Prichard

advocates that while novice reduction targets are "an excellent idea," the administrative regulation lacks detail on calculating the novice reduction targets. Finally, Prichard comments that "the current instruction for making a percentage from the targets is also not clear."

Commenter Kentucky Education Association ("KEA") advocates for removal of the novice reduction calculation for individual student demographic groups set forth in Section 4(2)(e) of the administrative regulation. Specifically, KEA recommends "deletion from the regulation the following categories: African American; Hispanic; American Indian or Native American; Limited English proficiency; Students in poverty based on qualification for free or reduced price lunch; and Students with disabilities that have an Individualized Education Program (IEP)."

(b) Response: This agency agrees that change is necessary to provide transparency in the calculation of the overall achievement score and reporting on the school report card. The agency amended Section 4 to indicate that achievement will be calculated using equal weight for each content area. The agency added a definition in Section 1 for writing to clarify that writing has both on-demand and language mechanics. Furthermore, the agency removed reference to the 500 point scale for achievement calculation.

For the novice reduction targets calculation, the agency added that the annual novice reduction shall be calculated for student groups with a minimum of ten (10) novice students. Finally, the agency added the following clarification: "Gap shall be computed equally using non-duplicated gap group and reduction of novice calculations."

The agency declined to delete the novice reduction calculation for individual student demographic groups contained in Section 4(2)(e) as advocated by KEA. Kentucky's ESEA waiver commits to providing greater attention to the performance of individual student demographic groups. Kentucky must ensure that the lower performance of an individual student demographic group is not masked by an aggregation of data. The Kentucky Board of Education has discussed this issue after presentations by the Education Trust and expressed its commitment to shining a bright light on the performance of individual student groups so that ultimately all students have the opportunities to become proficient and prepared for college and career.

#### 4. Subject Matter: Growth Calculation

(a) Comment: Prichard advocates that Section 4(3) contains an inconsistency in calculation of maximum reading points and maximum mathematics points. "As written, that would mean a school with 50% making typical growth would have reached the highest possible growth points based on student growth percentiles." Prichard further comments that the current categorical growth model calculation fails to indicate how percentages will be converted to points. Prichard advocates that Section 4(3) should be amended "so that schools are not limited to 50 categorical points, because that would give credit only for the first 50% of students who move to a higher category or maintain as proficient or distinguished. Prichard comments that Section 4(3)(e) should explicitly address points for student growth percentiles and that Section 4(3)(g) should detail points for categorical growth.

(b) Response: The agency agrees that Section 4(3) can be amended to provide additional clarity to the calculation of growth. The agency changed Section 4 (3) to indicate that categorical

growth model calculations shall include the number of students moving from one performance level to a higher performance level and student remaining consistently at the proficient and distinguished levels, divided by total students. Amendments by the agency now make clear that points for growth shall be distributed equally between the content areas of reading and mathematics. For clarity, the agency removed reference to point scales in the growth calculation.

5. Subject Matter: Readiness Calculation

(a) Comment: Prichard first comments that the measures and benchmarks for career readiness be listed in the administrative regulation. Prichard further advocates for changing Section 4(4)(c) for clarification regarding the calculation the bonus for students who are both college and career ready. Prichard again advocates for clarification on how percentages calculated in Section 4(4) will be converted to the 0-100 point scale used for school report cards.

(b) Response: The agency agrees that additional clarity will be beneficial regarding the measures and benchmarks for career readiness. Section 4(4)(b)(3) was amended to clarify that career readiness measures are those academic and technical career-ready measures recognized by the Kentucky Board of Education. No additional change is needed with regard to the 0-100 point scale conversion as the agency removed prior references to the 500 point scale. The Office of Assessment and Accountability provides information regarding measures and benchmarks for career readiness on the KDE website and includes this topic in annual training and communications for District Assessment Coordinators.

6. Subject Matter: Next Generation Learners Points

(a) Comment: Prichard comments that Section 4(6) is open to multiple interpretations with regard to combination of weights used to derive points. Prichard further advocates that Section 4(6)(b), (c) and (d) all became obsolete when 703 KAR 5:225 went into effect.

(b) Response: The agency's earlier elimination of reference to the 500 point scale should address Prichard's concerns regarding combination of weights to derive Next Generation Learners Points. Therefore, no additional change is needed. The agency provides training, guidance documents and a data calculator on the KDE website to assist educators and others in replicating and understanding the accountability points and calculations of the Next Generation Learners data. The agency agrees that change to Section 4(6) is needed to incorporate 703 KAR 5:225 by reference and remove previous details necessary before 703 KAR 5:225 went into effect.

7. Subject Matter: Graduation Rate Calculations

(a) Comment: Prichard commented that Section 4(7)(b) is unclear with regard to calculation of graduation rate and questioned whether the graduation rate calculation was relevant to cohort rate calculation.

(b) Response: The agency made a clarification change to Section 4(7)(b) to emphasize the graduation rate calculations shall be based on the student's final enrollment. The administrative

regulation, as written, is critical to graduation rate calculation and the overall administrative regulation.

### Summary of Statement of Consideration Action Taken by Promulgating Administrative Body

The Kentucky Department of Education received and has responded to two comments from the public regarding proposed amendments to 703 KAR 5:200. Commenters requested clarification of various definitions of readiness, gap and growth. In response, the agency re-defined readiness, distinguishing between middle school level and high school level. The agency added clarification to the definitions of gap and growth.

A commenter indicated that Section 2 of the administrative regulation and Section 4(6)(b)-(d) are obsolete and no longer necessary with introduction of 703 KAR 5:225. The agency incorporated 703 KAR 5:225 by reference and eliminated details now set forth in 703 KAR 5:225.

A commenter provided multiple references to confusion regarding calculations. Specifically, the commenter indicated the weight of specific content areas was unclear throughout the administrative regulation, leaving calculations open to multiple interpretations. A commenter advocated that the use of a 500 point scale throughout the regulation was confusing given the use of a 100 point scale in the school report card. A commenter indicated the administrative regulation lacked detail on calculating novice reduction targets. One commenter advocated for removal of the novice reduction calculation for individual student demographic groups set forth in Section 4(2)(e) of the administrative regulation. Commenter advocated for clarification on calculation of graduation rate, specifically questioning whether the graduation rate calculation was relevant to cohort rate calculation. The agency clarified that achievement will be calculated using equal weight for each content area. Furthermore, the agency removed reference to the 500 point scale for achievement calculation so that the point scale is consistent with that reported in the school report card. Calculation of novice reduction targets calculation was clarified by adding language that a minimum of ten (10) novice students is required for the calculation. Upon consideration, the agency declined to delete the novice reduction calculation for individual student demographic groups contained in Section 4(2)(e). To make such a change would ignore Kentucky's current ESEA waiver and risk masking the lower performance of an individual student demographic group by an aggregation of data. The agency further declined to make changes to the administrative regulation regarding graduation rate calculation. The calculation, as written, is critical to administrative regulation and next generation learners calculations.

A commenter detailed an inconsistency in calculation of maximum points in reading and mathematics. Commenter further advocated for detail on how the categorical growth model calculation fails to indicate how percentages will be converted to points. The agency amended the administrative regulation to indicate that the categorical growth model calculations shall include the number of students moving from one performance level to a higher performance level and student remaining consistently at the proficient and distinguished levels, divided by total students. As indicated above, the agency amended the administrative regulation to clarify that growth points will be distributed equally between content areas and removed reference to 500 point scales.

A commenter indicated that the administrative regulation lacked measures used to determine career readiness. The agency clarified this matter by amending the administrative regulation to indicate career readiness measures are those academic and technical career-ready measures recognized by the Kentucky Board of Education.

The agency proposes the following amendments after comments to the administrative regulation:

Pages 1-2

Section 1(2)

Line 17

After "(2)", delete the following:

"College readiness" means the percentage of middle school students meeting benchmarks on the high school readiness test in grade eight (8) that are linked statistically to the ACT test in reading, English or mathematics.

(3) "College- and career-readiness" means a readiness percentage calculated by dividing the number of high school graduates who have successfully met an indicator of readiness for college or career with the total number of graduates.

Page 2

Section 1(4)

Line 4

Before "(4)", insert "(2)"

Delete "(4)"

Line 6

Before "(5)", insert "(3)"

Delete "(5)"

After "means", insert "the average of: (a)"

Line 7

After "tests", insert the following:

; and

(b) the percentage of novice reduction goals met for

Delete "and the reduction of students in the novice performance level in"

Section 1(6)

Line 10

Before "(6)", insert "(4)"

Delete "(6)"

After "means", insert "the average of: (a)"

Line 11

After "mathematics", delete "using the student growth percentile"

After "and", insert "(b) the percentage of students who move from"

Delete "the individual movement of students in reading and mathematics from"



Line 14

After "level", insert "and continue to perform at the proficient and distinguished level in reading and mathematics."

Section 1(7)

Line 13

Before "(7)" insert the following:

(5) "Readiness" means:

(a) For a middle school, the percentage of students in grade eight (8) whose scores on the high school readiness test meet benchmarks that are linked statistically to the ACT test, calculated by averaging together the percentages in reading, English or mathematics; and

(b) For a high school, a readiness percentage calculated by dividing the number of high school graduates who have met an indicator of readiness for college or career by the total number of graduates.

(6)

Delete the following:

(7) "Next-generation instructional programs and supports" means a component of the state-wide accountability system for Kentucky public schools and districts based on reviews of instructional programs.

(8) "Next-generation learners" means a component of the state-wide accountability system for Kentucky public schools and districts based on student data.

(9) "Next-generation professionals" means a component of the state-wide accountability system for Kentucky public schools and districts based on teacher and administrator data.

(10) "Next-generation schools and districts" means a component of the state-wide accountability system that reports performance data for schools and districts.

Page 3

Section 1(12)

Line 3

Before "(12)", insert "(7)"

Delete "(12)"

Insert "(8) 'Writing' means a content area that includes writing on-demand and language mechanics tests.

Section 2(1)

Line 4

After "Section 2", delete "(1) Except as provided in subsections (2) or (3) of this section,"

Section 2

Line 7

After "(b)", insert "Additional components established in 703 KAR 5:225."

Delete "Next generation instructional programs and support, as established in 703 KAR 5:230."

Section 2(2)

Line 8

Delete "(2) Following the effective date of an administrative regulation promulgated by the Kentucky Board of Education to establish the requirements for next-generation schools and districts, Kentucky's accountability system to classify schools and districts shall consist of:

(a) The two (2) components included in subsection (1) of this section; and

(b) The next generation schools and districts component.

(3) Following the effective date of an administrative regulation promulgated by the Kentucky Board of Education to establish the requirements for next-generation professionals, Kentucky's accountability system to classify schools and districts shall consist of:

(a) The two (2) components included in subsection (1) of this section;

(b) The next-generation schools and district component, if the administrative regulation referenced in subsection (2) has become effective; and

(c) The next-generation-professionals component."

Page 4

Section 3(1)(c)

Line 2

After "(c)", insert "Growth"

After "Growth" delete "Individual student growth"

Section 3(1)(d)

Line 3

After "Readiness", delete "for college or career"

Section 3(3)(b)

Line 12

Before "growth", delete "individual student"

Section 3(3)(c)

Line 14

After "gap" delete "individual student"

After "readiness", delete "for college or career"

Section 4(1)

Line 16

After "reported" insert ", equally for each content area,"

Page 7

Section 4(2)(b)(3.)

Line 11

Delete "3. The individual content area gap percentages shall be averaged for an overall gap percentage."

Section 4(2)(d)

Line 14

After "(d)", delete "A maximum total of 500 points shall be awarded for non-duplicated gap calculation."

Line 15

After "points", insert "for the non-duplicated gap calculation"

Section 4(2)(e)

Line 16

After "calculated", insert "for student groups with a minimum of 10 novice students"

Line 17

After "following", insert "demographic"

Line 18

After "categories" insert "and the non-duplicated gap group"

Page 8

Section 4(2)(i)

Line 7

After "(i)", delete "A maximum of 500 points shall be awarded for the novice reduction calculation."

Insert "(j) Gap shall be computed equally using non-duplicated gap group and reduction of novice calculations."

Section 4(3)

Line 9

After "(3)", Insert "Growth" and delete "Individual student growth"

Section 4(3)(a)

Line 11

After "(a)", insert "Growth" and delete "Individual student growth"

After "computed", insert "equally"

Section 4 (3)(b)

Line 13

After "(b)", Insert "Calculations" and delete "At elementary and middle schools, calculations"

Section 4(3)(c)

Line 16

Delete "(c) At high school, calculations shall include scores from students with data from college readiness reading and mathematics assessments across two (2) years."

Section 4(3)(d)

Line 18

Before "(d)", insert "(c)"

Delete "(d)"

Page 9

Section 4(3)(e)

Line 1

Delete "(e) For elementary, middle, and high schools, total points shall be fifty (50)[100] for each content area of reading and mathematics for a total of 100[200]."

Line 3

Before "(f)", insert "(d)"

Delete "(f)"

Line 4

After "performance", insert "level" delete "category"

After "higher", insert "level" delete "category"

Section 4(3)(g)

Line 6

Before "(g)", insert "(e)"

Delete "(g)"

After "(e)" insert "Points for growth shall be distributed equally between"

Delete "For elementary, middle, and high schools, total points shall be fifty (50) for"

Section 4(3)(g)

Line 7

After "mathematics", delete "for a total of 100"

Section 4(4)

Line 8

After "(4)", insert "Readiness" delete "College and career readiness"

Section 4(4)(3.)

Line 20

After "The" insert "academic and technical"

After "career", insert "-ready"

Page 10

Section 4(4)(c)(ii)(b.)

Line 5

After "The" insert "technical"

After "career", insert "-ready"

Page 11

Section 4(6)(a)

Line 5

After "gap", delete "individual student"

Line 6

After "readiness", delete "for college or career"

Section 4(6)(a)

Table on Page 11

In "Readiness for College and Career Column", delete "for College for Career"

In "Total Column" insert "99.9", delete "100"

Section 4(6)(b)

Line 8

After "shall", insert "contribute to the classification of"

Delete "classify"

After "districts" insert "as established in 703 KAR 5:225"

Delete "into one (1) of three (3) classifications:

Line 10

Delete "1. Distinguished;

2. Proficient; and

3. Needs improvement.

(c) Within each of the three (3) classifications, public reports by the Department shall indicate the direction in which school and district performance is moving compared to the prior year report.

(d) In accordance with KRS 158.6455, the Kentucky Board of Education shall amend this administrative regulation or promulgate a new administrative regulation to determine the placement of schools and districts into one (1) of three (3) classifications and the establishment of goals using a standard-setting process utilizing results from the first operational administration of new assessments in 2011-2012. The process shall:

1. Be advised by the National Technical Advisory Panel on Assessment and Accountability; School Curriculum, Assessment and Accountability Council; and the Office of Education Accountability;

2. Use accepted technical procedures and involve Kentucky school and district administrators and teachers; and

3. Be reviewed by the Kentucky Board of Education. Following its review, the Kentucky Board of Education shall approve the final cut scores and goals that determine placement in one (1) of the three (3) classifications by administrative regulation."

## Page 12

Section (4)(6)(e)

Line 14

Before "(e)", insert "(c)"

Delete "(e)"

Section 4 (7)(b)

Line 20

After "shall", insert "be based on the students' final enrollment"

Delete "include both students enrolled and students earning diplomas"